

Court of Appeals, State of Michigan

ORDER

People of MI v David Robert Hahaj

Docket No. 356483

LC No. 2019-004316-FH

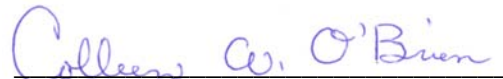
Colleen A. O'Brien
Presiding Judge

Kathleen Jansen

Jonathan Tukel
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court REMANDS the matter to the Berrien Circuit Court to determine whether Berrien Circuit Judge Sterling Schrock is reasonably available to sentence defendant for his convictions. Judge Schrock accepted defendant's guilty pleas and so should have presided over defendant's sentencing for the crimes. *People v Clarks*, 408 Mich 945 (1979); *People v Pierce*, 158 Mich App 113, 115; 404 NW2d 230 (1987), lv den 428 Mich 906 (1987). In the event Judge Schrock is reasonably available to sentence defendant, the circuit court shall schedule defendant's resentencing before Judge Schrock. In the event Judge Schrock is not available to preside over resentencing, the circuit court shall make findings on the record or in writing explaining why Judge Schrock is not reasonably available to resentence defendant.

The Court retains no further jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

April 12, 2021

Date


Chief Clerk